

Remarks

Claims 1-2, 4-15, and 17 were pending in the application. By this Amendment, Applicants add new claims 18-20. Thus, claims 1-2, 4-15, and 17-20 are now pending in this application.

The Office action newly refuses registration of claims 1, 4, and 8-13 as allegedly being anticipated and/or obvious. Claims 2, 5-7 and 17 are objected to as being dependent on allegedly anticipated and/or allegedly obvious base claims, but are indicated to be allowable if rewritten into independent format. Although Applicants disagree that the refused claims are not allowable as alleged in the Office action and reserve the right to prosecute these claims in continuing applications, Applicants have amended the claims in such a manner to moot the refusals in the Office action.

In brief, Applicants have amended Independent claims 1, 10, 11, and 12 to include the feature that the clamp part further comprises a peripheral skirt wall extending downwardly and having snap-fit engagement parts thereon to engage the vial. This feature is not present in the Jansen patent cited in the Office action, and, moreover, Jansen teaches away from this combination. Thus, Jansen does not anticipate or render obvious claims 1 or 10 or any of the remaining claims dependent thereon. In addition, Applicants have added new claims 18-20, which are prior claims 2, 5, and 17 rewritten into independent form to include their base claims. These new claims are indicated to be allowable in the Office action on page 4.

Applicants also amend claim 6 for clarity purposes in view of the amendment to Independent claim 1 from which it depends (through an intervening claim).

In view of the foregoing, all of the pending claims in this application are in condition for allowance and such action is respectfully requested.

Applicants note again that they have not received confirmation that the Office has considered the references in their Information Disclosure Statement of August 20, 2009. Applicants would appreciate receiving such confirmation.

If the Examiner believes that any further action would place this application in better condition for allowance, he is invited to telephone the undersigned at the number listed below.

Alleged Anticipation

The Office action alleges that U.S. Patent No. 6,378,714 to Jansen anticipates claims 1, 4, and 8-11. However, Applicants have amended Independent claims 1 and 10-11 to include the feature that the clamp part further comprises a peripheral skirt wall extending downwardly and having snap-fit engagement parts thereon to engage the vial. Support for this feature is present at least at paragraph 17 of the specification and prior claim 6. This feature is not present in the Jansen patent. Jansen discloses only a collar that might be crimped or deformed around the rim of a vial. (See C6:L10-15.) Moreover, Jansen teaches away from use of snap-fit engagement parts to connect to the vial stating at C2:L30-32 that “[s]nap on plastic collars, however, do not assure adequate sealing . . . and stoppers are required.”

Claims 4 and 8-9 all depend from allowable Independent claim 1 and are allowable for the same reasons as Independent claim 1 in addition to their other novel features.

Alleged Obviousness

The Office action alleges that claims 12-13 are obvious over U.S. Patent No. 6,378,714 to Jansen in view of the alleged disclosure in Py's U.S. Patent No. 6,378,714 of heat sealing a stopper with residual heat.

However, Independent claim 12 has been amended to include a feature not in the disclosure in Jansen, namely, that the clamp part further comprises a peripheral skirt wall extending downwardly and having snap-fit engagement parts thereon to engage the vial. Support for this feature is present at least at paragraph 17 of the specification and prior claim 6.

As noted above, Jansen discloses only a collar that might be crimped or deformed around the rim of a vial. (See C6:L10-15.) Moreover, Jansen teaches away from use of a snap-fit engagement parts stating at C2:L30-32 that “[s]nap on plastic collars, however, do not assure adequate sealing . . . and stoppers are required.” As Jansen does not disclose this feature of claim 12, and teaches away from this feature, no combination of Jansen and Py could render claim 12 obvious.

Claim 13 depends from allowable Independent claim 12 and is allowable for the same reasons as Independent claim 12 in addition to its other novel and non-obvious features.

Conclusion

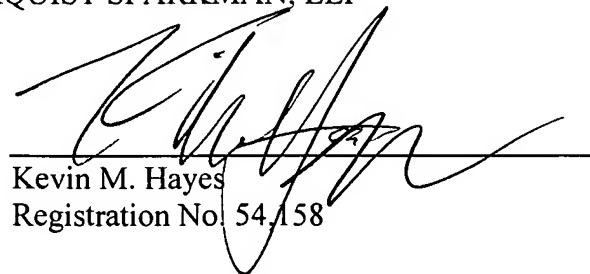
In view of the foregoing, all of the pending claims in this application are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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